

Insurance and Regulatory Considerations for Globally Mobile Individuals

2015 Global Congress on Travel Risk Management

LaCosta Wix, Associate General Counsel, UnitedHealthcare Global

More often than not, the ability to carry out a successful business deal hinges on whether there is a relationship of trust and understanding between the parties. Relationship building is best done face-to-face, and in an ever increasingly global economy, this could mean needing to send your employees abroad. The best way to protect yourself from liability as well as ensure the safety and security of your employees on assignment and living in a foreign locale is to understand and plan according to the political and social environment of their destination country.

An employer requiring foreign travel of its employees should be preparing for encountering the predictable and planning for encountering the unpredictable. Beyond the ethical obligation to keep employees safe, an employer will, in many cases, have a legal duty to take reasonable measures to prevent its employees from harm resulting from foreseeable risks. A legal duty of care exists within the regulatory framework of many countries throughout the world; the laws in the U.S., Canada, Western Europe and Australia are particularly stringent. Failing to meet that duty of care can result in costly jury awards.

While the complexities of the varying legal landscapes from country to country can seem overwhelming, there are steps employers can and should be taking toward making their obligations more manageable. Employers should review their existing insurance coverage to understand where there are deficiencies, and take care to choose an insurance partner with expertise in global compliance. Several countries require valid proof of insurance coverage as a condition of issuing a visa. Some countries require insurance to be purchased from a local carrier, depending on the length of an individual's stay. Employers should be aware of whether they are covered for medical or security

evacuations should they become necessary and consider purchasing travel assistance and/or a travel tracking program in order to have real-time information on the whereabouts of their business travelers. Employers should be developing internal policies and procedures or engaging a risk management firm and educating their employees of proper protocol based on their country of destination.

Developing appropriate plans for education, assistance, and action will go a long way toward ensuring you gain the trust of your employees and toward proving you've met your standard of care.